



30 JAN 2006

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In re Application of

ROLL, Georg

U.S. Application No. 10/524,552

PCT No.: PCT/EP03/08303

Int. Filing Date: 28 July 2003

Priority Date: 13 August 2002

Attorney Docket No.: PC10500US

For: METHOD FOR ACTUATING AN
ELECTROMECHANICAL PARKING
BRAKE DEVICE

DECISION ON REQUEST

This decision is issued in response to applicant's "Petition under 37 CFR 1.497(d)" filed 07 October 2005. The petition fee has been submitted.

BACKGROUND

On 28 July 2003, applicant filed international application PCT/EP03/08303 which claimed a priority date of 13 August 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 18 March 2004. The international application named Georg Roll as applicant/inventor. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 13 March 2005.

On 11 February 2005, applicant filed a transmittal letter for entry into the national stage accompanied by, *inter alia*, the requisite basic national fee; an English translation of the international application; and a preliminary amendment.

On 08 August 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 07 October 2005, applicant filed a Petition under 37 CFR 1.497(d) and a declaration executed by: Georg Roll and Christof Maron as joint-inventors.

DISCUSSION

In the instant case, the international application named Georg Roll as applicant/inventor. Applicant requests to add Christof Maron as an applicant/inventor. In

order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17; and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).


Applicants have satisfied items (1) - (4).

CONCLUSION

The request under 37 CFR 1.497(d) is GRANTED.

A review of the application papers reveals that applicants have completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 28 July 2003 and a date of **07 October 2005** under 35 U.S.C. 371.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



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